



COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION  
100 Civic Center Drive, P.O. Box 1768, Newport Beach, CA 92660  
(949) 644-3200 Fax: (949) 644-3229  
[www.newportbeachca.gov](http://www.newportbeachca.gov)

**CITY OF NEWPORT BEACH  
ZONING ADMINISTRATOR STAFF REPORT**

May 16, 2013  
Agenda Item No. 4

**SUBJECT:** West Marine Signs- (PA2013-056)  
3425 Via Lido  
▪ Comprehensive Sign Program No. CS2013-006  
▪ Modification Permit No. MD2013-007

**APPLICANT:** Efficient Lighting – Frank Landazuri

**PLANNER:** Jaime Murillo, Associate Planner  
(949) 644-3209, [jmurillo@newportbeachca.gov](mailto:jmurillo@newportbeachca.gov)

---

**ZONING DISTRICT/GENERAL PLAN**

- **Zone:** CG (Commercial General)
- **General Plan:** CG (General Commercial)

**PROJECT SUMMARY**

In conjunction with the installation of four tenant identification signs on a single-tenant building, the applicant is requesting approval of a comprehensive sign program and a modification permit to allow the following deviations from the Sign Standards of the Zoning Code:

*Comprehensive Sign Program*

1. The installation of two wall signs on the primary frontage, where the Zoning Code only allows one wall sign;
2. The installation of wall signs outside the middle 50 percent of tenant frontages;

*Modification Permit*

3. Proposed sign areas of approximately 170 square feet on the primary frontage facing Newport Boulevard and approximately 58 square feet on the secondary frontage facing Via Oporto. The Zoning Code allows a maximum sign area of 75



square feet on the primary frontage and 37.5 square feet on secondary frontages (increase greater than 30%); and

4. The installation of 4-foot-high letters and logo associated with one of the primary frontage signs, where the Zoning Code restricts the maximum height to 3 feet (increase greater than 20%).

## **RECOMMENDATION**

- 1) Conduct a public hearing; and
- 2) Adopt Draft Zoning Administrator Resolution No. \_ approving Comprehensive Sign Program No. CS2013-006 and Modification Permit No. MD2013-007 (Attachment No. ZA 1).

## **DISCUSSION**

- The existing building has operated as a supermarket since its initial construction in 1948. However, the building is currently undergoing interior and exterior alterations in conjunction with tenant improvements for West Marine, a retail boating and fishing supply store. As part of this remodel, new tenant identification wall signs are proposed that deviate from the sign standards of the Zoning Code (Attachment No. ZA 3).
- Section 20.42.120 of the Newport Beach Municipal Code (NBMC) requires the approval of a comprehensive sign program when determined necessary because of special project characteristics. In this case, the building is currently subject to an existing comprehensive sign program (MD4327) designed to regulate signage appropriate for the former supermarket and building design. Due to the exterior remodeling, the preparation of a new comprehensive sign program is required. In addition to ensuring proper integration of project signage, a comprehensive sign program allows for deviations in sign area, total number, location, and/or height of signs to the extent that the comprehensive sign program will enhance the overall development and will more fully accomplish the purposes and intent of the Sign Code.
- Section 20.42.110 of the NBMC permits deviations in sign height greater than 20 percent and sign area greater than 30 percent subject to the approval of a modification permit.
- The signs are proposed to be located on the anchor retail building within a 4.8-acre shopping center. The building has also been designed with two separate entrances accessible by two separate parking lots located on the west and east

side of the building; the west entrance faces Newport Boulevard and the east entrance faces Via Oporto. Both entrances could be considered main or primary entrances.

- The building is setback approximately 227 feet from the Newport Boulevard right-of-way (west), approximately 139 feet from the Via Oporto right-of-way (east), and 131 feet from the Via Lido right-of-way. The west entrance is considerably further from the public right-of-way and its sightlines are partially obscured by an existing, multi-story structure located at the corner of Newport Boulevard and Via Lido (Griffith Building). Sightlines to the east entrance are partially obscured from Via Lido due to the angle of the roadway and the existing commercial development on Via Lido.
- Two signs are proposed on the west elevation facing Newport Boulevard. The larger sign (148 sq. ft. and 4 ft. high) is intended to provide legible signage to pedestrians and motorists travelling on Newport Boulevard given the increased building setback. The smaller sign (22 sq. ft.) is sized and located to identify the entrance into the building from the parking lot of the west side and is scaled for pedestrians.
- The one wall sign proposed on the east elevation facing Via Oporto is proposed to be approximately 58 square feet and is also intended to be larger to provide legible signage to pedestrians and motorists traveling on Via Oporto and Via Lido, and to adequately identify the east entrance.
- The building façade facing Newport Boulevard is approximately 165 feet in width and the façade facing Via Oporto is approximately 182 feet in width. Given the width of the building facades and height of the building at approximately 32 feet, staff believes the proposed number of signs, area, and height are compatible with the overall massing and bulk of the building.
- Due to the architecture of the west and east building frontages, in particular with the entry tower features, location of wall signs within the middle 50 percent of the tenant frontage is not practical. The comprehensive sign program will allow sign placement on the two tower features and on the west building frontage that compliments the building design.
- The Lido Village Design Guidelines are applicable and include sign guidelines encouraging signage to be appropriately scaled to the building, to be readable by both pedestrians and drivers approaching the site, and to not obscure important architectural features. The proposed signs have been purposefully designed to relate to the architectural tower elements of the building, placed to indicate the location of the building entrances, and designed to be large enough to be read

from the adjacent roadways. The signs are proposed in locations and sized to be consistent with the proportions of the building's facades.

- On August 2, 1995, Modification Permit No. MD4327 (Attachment No. ZA 4) was approved establishing a sign program for the former supermarket, Vons Pavilion. The sign program permitted multiple signs on the north, east, and west elevations, a combined letter/logo height of 6 feet 4 inches, and sign areas of 30 square feet on the north elevation, 106 square feet on the east elevation, 150 square feet on the west elevation, and 96 square feet on the south elevation. This previous increase in area, number, and height of signs had not previously proven detrimental. MD4327 will become null and void upon vesting of the rights authorized by MD2013-007, if approved.
- Staff believes the findings for approval can be made and are included in the attached draft resolution.

### **ENVIRONMENTAL REVIEW**

The project qualifies for Class 11 (Accessory Structures) categorical exemption, Section 15311 of the California Environmental Quality Act. This exemption authorizes the construction or replacement of minor structures accessory to existing commercial facilities, including on-premise signs. The proposed signs are accessory to the existing commercial building.

### **PUBLIC NOTICE**

Notice of this application was published in the Daily Pilot, mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) including the applicant and posted on the subject property at least 10 days prior to the decision date, consistent with the provisions of the Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website.

### **APPEAL PERIOD:**

An appeal may be filed with the Director of Community Development within fourteen (14) days following the date of action. For additional information on filing an appeal, contact the Planning Division at (949) 644-3200.

Prepared by:

  
Jaime Murillo  
Associate Planner

GR/jm

Attachments:      ZA 1      Draft Resolution  
                         ZA 2      Vicinity Map  
                         ZA 3      Project Plans  
                         ZA 4      Modification Permit No. MD4327

# **Attachment No. ZA 1**

Draft Resolution





## RESOLUTION NO. ZA2013-0##

### A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COMPREHENSIVE SIGN PROGRAM NO. CS2013-006 AND MODIFICATION PERMIT NO. MD2013-007 ALLOWING FOR DEVIATIONS IN SIGN STANDARDS LOCATED AT 3425 VIA LIDO (PA2013-056)

THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Frank Landazuri of Efficient Lighting, with respect to property located at 3425 Via Lido, and legally described as Parcel 1, as shown on a Map filed in Book 85, pages 1 and 2 of Parcel Maps, in the Office of the Orange County Recorder, requesting approval of a comprehensive sign program and a modification permit.
2. The applicant proposes a comprehensive sign program to establish design parameters for four wall signs on an anchor retail tenant building within a 4.8-acre shopping center and to allow the following deviations from the Sign Standards of the Zoning Code:

#### *Comprehensive Sign Program*

- a) The installation of two wall signs on the primary frontage, where the Zoning Code only allows one wall sign;
- b) The installation of wall signs outside the middle 50 percent of tenant frontages;

#### *Modification Permit*

- c) Proposed sign areas of approximately 170 square feet on the primary frontage facing Newport Boulevard and approximately 58 square feet on the secondary frontage facing Via Oporto. The Zoning Code allows a maximum sign area of 75 square feet on the primary frontage and 37.5 square feet on secondary frontages (increase greater than 30%); and
  - d) The installation of 4-foot-high letters and logo associated with one of the primary frontage wall signs, where the Zoning Code restricts the maximum height to 3 feet (increase greater than 20%).
3. The subject property is located within the General Commercial (CG) Zoning District and the General Plan Land Use Element category is Commercial General (CG).
  4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is General Commercial (CG-B).

5. A public hearing was held on May 16, 2013, in the Corona del Mar Conference Room (Bay E-1st Floor) at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this meeting.

## SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project has been determined to be categorically exempt under the requirements of the California Environmental Quality Act under Class 11 (Accessory Structures).
2. Class 11 authorizes the construction or replacement of minor structures accessory to existing commercial facilities, including on-premise signs. The proposed walls signs are accessory to the existing commercial building.

## SECTION 3. FINDINGS.

### ***Comprehensive Sign Program***

1. Pursuant to Section 20.42.120 of the Newport Beach Municipal Code, approval of a comprehensive sign program is required when determined necessary because of special project characteristics. In this case, the building is currently subject to an existing comprehensive sign program (MD4327) designed to regulate signage appropriate for the former supermarket and building design. The building is currently undergoing significant exterior remodeling, necessitating the preparation of a new comprehensive sign program. In addition to ensuring proper integration of project signage, a comprehensive sign program allows for deviations in sign area, total number, location, and/or height of signs to the extent that the comprehensive sign program will enhance the overall development and will more fully accomplish the purposes and intent of Chapter 20.42 (Signs). In accordance with Section 20.42.120.E, a comprehensive sign program shall comply with a number of standards. The following standards and facts in support of such standards are set forth:

#### Standard:

- A. *The proposed sign program shall comply with the purpose and intent of this chapter [Chapter 20.42: Signs], any adopted sign design guidelines and the overall purpose and intent of this section [Section 20.42.120].*

#### Facts in Support of Standard:

- A-1. The subject property is designated Commercial General by the Land Use Element of the General Plan, which is intended to provide for a wide variety of commercial activities oriented primarily to serve citywide or regional needs. The structure which the signs are proposed to be located is the anchor retail building within a

4.8-acre shopping center. The proposed signs are accessory to the primary retail use and are compatible with the existing commercial center.

- A-2. The Lido Village Design Guidelines are applicable. The guidelines encourage signage to be appropriately scaled to the building, to be readable by both pedestrians and drivers approaching the site, and to not obscure important architectural features. The proposed signs have been purposefully designed to relate to the architectural tower elements of the building, placed to indicate the location of the building entrances, and designed to be large enough to be read from the adjacent roadways. The signs are proposed in locations and sized to be consistent with the proportions of the building's facades.
- A-3. In compliance with the purpose and intent of Chapter 20.42 (Sign Standards), the proposed Comprehensive Sign Program as conditioned provides the use with adequate identification without excessive proliferation of signage. Furthermore, it preserves community appearance by regulating the type, number, design, and area of signage.

Standard:

- B. The proposed signs shall enhance the overall development and be in harmony with, and relate visually to, other signs included in the comprehensive sign program, to the structures and/or developments they identify, and to surrounding development when applicable.*

Facts in Support of Standard:

- B-1. Signage has been designed integral with the design and character of the building.
- B-2. Given the architectural design of the building, the proposed signs are properly located on both architectural tower elements and the large building wall facing Newport Boulevard. The signs are scaled appropriately to the building facades.
- B-3. The two signs proposed on the west elevation facing Newport Boulevard are appropriate in order to provide one larger sign legible to motorists travelling on Newport Boulevard and one smaller sign identifying the building entry from the parking lot.

Standard:

- C. The sign program shall address all signs, including permanent, temporary, and exempt signs.*

Facts in Support of Standard:

- C-1. The sign program includes all project signage. Temporary and exempt signs not specifically addressed in the program shall be regulated by the provisions of Chapter 20.42.
- C-2. The three existing display cases along the north building elevation and one new display case on the west elevation are primarily intended to display goods to pedestrians within the shopping center and are not readily visible from the public right-of-ways. The sign program includes an exemption for incidental signage associated with the display cases.

Standard:

- D. The sign program shall accommodate future revisions that may be required because of changes in use or tenants.*

Facts in Support of Standard:

- D-1. The proposed building is designed and utilized as the anchor-tenant building within a 4.8-acre shopping center. The sign program has been developed to be effective for such use and allow flexibility for future changes in tenants.
- D-2. It is not anticipated that future revisions to the program will be necessary to accommodate normal changes in tenants or uses. However, flexibility has been incorporated into the Sign Program Matrix to allow minor deviations from the proposed signs.
- D-3. Consistent with Chapter 20.42, the Community Development Director [or his/her designee] may approve minor revisions to the Sign Program if the intent of the original approval is not affected.

Standard:

- E. The program shall comply with the standards of this chapter, except that deviations are allowed with regard to sign area, total number, location, and/or height of signs to the extent that the comprehensive sign program will enhance the overall development and will more fully accomplish the purposes and intent of this chapter.*

Facts in Support of Standard:

- E-1. The sign program requests deviation in the number of signs, size and location of wall signs which will aid and enhance the identification and visibility of the anchor retail tenant from the adjacent roadways, as well as provide appropriate identification of the two building entries from both parking lots.

- E-2. The deviations in location and size allow for better sign placement on the two architectural tower elements and the large building wall facing the west parking lot and Newport Boulevard. The size and location of the signs are appropriately scaled to the building facades.
- E-3. The deviation from the requirement that signs be located within the center 50 percent of the tenant frontage is appropriate given the large building frontages, partially obstructed visibility from adjacent roadways, and location of architectural tower elements. The locations of the signs are reasonable and will be adequately separated to avoid visual clutter and satisfy the intent of the sign code provisions.

Standard:

- F. *Approval of a comprehensive sign program shall not authorize the use of signs prohibited by this chapter.*

Facts in Support of Standard:

- F-1. The program does not authorize the use of prohibited signs.

Standard:

- G. *Review and approval of a comprehensive sign program shall not consider the signs' proposed message content.*

Facts in Support of Standard:

- G-1. The program contains no regulations affecting sign message or content.

**Modification Permit**

- 2. Pursuant to Section 20.42.110 of the Newport Beach Municipal Code, deviations in sign height greater than 20 percent and sign area greater than 30 percent are subject to the approval of a modification permit. In accordance with Section 20.52.050.E of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

- A. *The requested modification will be compatible with existing development in the neighborhood.*

Facts in Support of Finding:

- A-1. The subject property is designated Commercial General by the Land Use Element of the General Plan, which is intended to provide for a wide variety of commercial

activities oriented primarily to serve citywide or regional needs. The structure which the signs are proposed to be located is the anchor retail building within a 4.8-acre shopping center. The proposed signs are accessory to the primary retail use and are compatible with the size and scale of the other buildings and signage in the existing commercial center.

- A-2. The larger tenant sign facing Newport Boulevard is setback approximately 227 feet from the Newport Boulevard right-of-way. The tenant sign facing Via Oporto is setback approximately 139 feet from the Via Oporto right-of-way and 131 feet from the Via Lido right-of-way. Given these distances, the increased sign area and letter/logo height is reasonable to ensure legibility and does not result in signage that is out of scale with surrounding development.
- A-3. The building façade facing Newport Boulevard is approximately 165 feet in width and the façade facing Via Oporto is approximately 182 feet in width. Given the width of the building facades and height of the building at approximately 32 feet, the proposed number, area, and height of the signs are compatible with the overall massing and bulk of the building.
- A-4. Facing Newport Boulevard and Via Oporto are retail, restaurant, and office land uses. The retail building and proposed signage are compatible with these commercial land uses.

Finding:

- B. *The granting of the modification is necessary due to the unique physical characteristic(s) of the property and/or structure, and/or characteristics of the use.*

Facts in Support of Finding:

- B-1. The building on which the proposed signs are located is the anchor retail building within the 4.8-acre shopping center. The building has also been designed with two separate entrances accessible by two separate parking lots located on the west and east side of the building; the west entrance faces Newport Boulevard and the east entrance faces Via Oporto.
- B-2. The building is setback approximately 227 feet from the Newport Boulevard right-of-way, approximately 139 feet from the Via Oporto right-of-way, and 131 feet from the Via Lido right-of-way. The west entrance is considerably further from the public right-of-way and its sightlines are partially obscured by an existing, multi-story structure (Griffith Building) located at the corner of Newport Boulevard and Via Lido. Sightlines to the east entrance are partially obscured from Via Lido due to the angle of the roadway and the existing commercial development on Via Lido.



- B-3. Due to the unique building design with two separate entrances, extensive building setbacks from the adjacent right-of-ways, and limited visibility due to surrounding development, the increased sign area and letter/logo height is warranted in order to provide increased visibility of the anchor tenant to motorists travelling on Newport Boulevard and Via Lido.

Finding:

- C. *The granting of the modification is necessary due to practical difficulties associated with the property and that the strict application of the Zoning Code results in physical hardships that are inconsistent with the purpose and intent of the Zoning Code.*

Facts in Support of Finding:

- C-1. The purpose and intent of the sign regulations is to provide users adequate identification while preserving and enhancing the community's appearance by regulating the type, size, location, quality, design, character, scale, color, illumination, and maintenance of signs. The sign regulations also encourage the design of signs that are complementary to the buildings and uses to which they relate and that are harmonious with their surroundings.
- C-2. The retail anchor building is undergoing a complete exterior renovation. There is a reasonable need for the number, location, type, and size of the signs to provide adequate identification to the building and to direct pedestrian and vehicular traffic to the two separate entrances. In addition, the scale of the wall signage will be compatible with the new façade of the building.
- C-3. Two signs are proposed on the west elevation facing Newport Boulevard. The larger sign (148 sq. ft.) is necessary to provide legible signage to pedestrians and motorists travelling on Newport Boulevard given the increased building setback. The smaller sign (22 sq. ft.) is intended to identify the entry location and is necessary to adequately identify the location of the entrance into the building from the parking lot of the west side and is scaled for pedestrians.
- C-4. The one wall sign proposed on the east elevation facing Via Oporto is proposed to be approximately 58 square feet and is also intended to be larger to provide legible signage to pedestrians and motorists traveling on Via Oporto and Via Lido, and to adequately identify the east entrance.

Finding:

- D. *There are no alternatives to the modification permit that could provide similar benefits to the applicant with less potential detriment to surrounding owners and occupants, the neighborhood, or to the general public.*

Facts in Support of Finding:

- D-1. The existing building has multiple facades visible from two major streets (Newport Boulevard and Via Lido) and one less traveled street (Via Oporto). In addition, two separate surface parking lots are located on both the west and east side of the building, resulting in increased setbacks from the adjacent streets. Wall signage compliant with sign regulations of the Zoning Code would not allow for the design of effective signage that would be legible for pedestrians and motorist travelling along the adjacent streets. The proposed signage is necessary due to the size of the site and orientation of the building.

Finding:

- E. The granting of the modification would not be detrimental to public health, safety, or welfare, to the occupants of the property, nearby properties, the neighborhood, or the City, or result in a change in density or intensity that would be inconsistent with the provisions of this Zoning Code.*

Facts in Support of Finding:

- E-1. This approval will allow for an increase in the number and size of walls signs, but will not result in a change in intensity or density of the existing retail use.
- E-2. The site is buffered from surrounding development due to the parking lots on both the west and east side of the building and further buffered from Newport Boulevard and Via Oporto right-of-ways.
- E-3. The building was previously occupied by Vons Pavilions, a retail grocery store, which was approved with a sign program under Modification Permit No. MD4327. The sign program permitted multiple signs on the north, east, and west elevations, a combined letter/logo height of 6 feet 4 inches, and sign areas of 30 square feet on the north elevation, 106 square feet on the east elevation, 150 square feet on the west elevation, and 96 square feet on the south elevation. This previous increase in area, number, and height of signs had not previously proven detrimental.

SECTION 4. DECISION.

**NOW, THEREFORE, BE IT RESOLVED:**

1. The Zoning Administrator of the City of Newport Beach hereby approves Comprehensive Sign Program No. CS2013-006 and Modification Permit No. MD2013-007, subject to the conditions set forth in Exhibit A and parameters denoted in Exhibit B, which are attached hereto and incorporated by reference.
2. This action shall become final and effective fourteen days after the adoption of this Resolution unless within such time an appeal is filed with the Community Development



Director in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

3. This resolution supersedes Modification Permit No. MD4327, which upon vesting of the rights authorized by Modification Permit No. MD2013-007 shall become null and void.

**PASSED, APPROVED AND ADOPTED THIS 16TH DAY OF MAY, 2013.**

---

Brenda Wisneski, AICP, Zoning Administrator

DRAFT

## EXHIBIT "A"

### CONDITIONS OF APPROVAL

1. The development shall be in substantial conformance with the approved site plan, building elevations, and sign details stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
2. Upon demolition or substantial structural and nonstructural changes to the exterior of the development on which this approval is based, this Comprehensive Sign Program and Modification Permit shall be rendered nullified and a new Comprehensive Sign Program shall be obtained for the new or altered development in accordance with the Zoning Code Provisions in effect at the time the new development is approved.
3. Locations of the signs are limited to the designated areas and shall comply with the limitations specified in the Sign Program Matrix included in Exhibit "B".
4. All proposed signs shall be in conformance with the provisions of Chapter 20.42 (Signs) of the Newport Beach Municipal Code, except as modified by this sign program and modification permit.
5. The signs shall be illuminated in accordance with the provisions of Section 20.42.060.H of the Newport Beach Municipal Code.
6. The applicant is required to obtain all applicable permits from the City's Building Division. The construction plans must comply with the most recent, City-adopted version of the California Building Code.
7. Comprehensive Sign Program No. CS2013-006 and Modification No. MD2013-007 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.91.050 of the Newport Beach Municipal Code, unless an extension is otherwise granted.
8. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
9. This Comprehensive Sign Program and Modification Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
10. A copy of the Resolution, including Exhibit "A" (Conditions of Approval) and "Exhibit B" (Sign Matrix) shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
11. Should the property be sold or otherwise come under different ownership, any future

owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.

12. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the **West Marine Signs including, but not limited to, Comprehensive Sign Program No. CS2013-006 and Modification Permit No. MD2013-007**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

DRAFT

**EXHIBIT “B”****SIGN PROGRAM MATRIX**

**Frontages: Primary: Newport Boulevard (West Building Elevation)**  
**Secondary: Via Oporto (East Building Elevation)**  
**Shopping Center Courtyard (North Building Elevation)**

|   |  |
|---|--|
| <b>Primary Frontage:</b><br><b>NEWPORT BOULEVARD</b>  | <b>Secondary Frontages:</b><br><b>VIA OPORTO</b>   |
| Size limitations where applicable<br>Sign Locations A & B – Wall Signs  | Size limitations, where applicable<br>Sign Location C – Wall Sign  |
| <b>Wall Sign Limitations:</b><br><br><i>Maximum Number: Two</i><br><i>Area: Cumulative sign area of the wall signs shall not exceed 170 square feet.</i><br><br><u>Sign Location A:</u><br><i>Maximum Vertical Dimension, Letter or Logo: 24 inches</i><br><i>Location: Centered within middle 55% of entry tower</i> | <b>Wall Sign Limitations:</b><br><br><i>Maximum Number: One</i><br><i>Maximum Sign Area: 58 square feet</i><br><i>Maximum Vertical Dimension, Letter or Logo: 36-inches</i><br><i>Location: Centered within entry tower</i>  |
| <u>Sign Location B:</u><br><i>Maximum Vertical Dimension, Letter or Logo: 48 inches</i><br><i>Location: Within middle 65% of parking lot frontage wall</i>  | <b>Secondary Frontages:</b><br><b>SHOPPING CENTER COURTYARD</b><br><br>Size limitations, where applicable<br>Sign Location D – Wall Sign<br><br><b>Wall Sign Limitations:</b><br><br><i>Maximum Number: One</i><br><i>Maximum Sign Area: 36 square feet</i><br><i>Maximum Vertical Dimension, Letter or Logo: 36-inches</i><br><i>Location: Within middle 50% of tenant frontage</i> |
| <b>All Other Shopping Center Signs</b>  | See Modification Permit No. MD4331   |
| <b>Monument Sign</b> (intersection of Finely Avenue and Newport Boulevard)  | See Exception Permit No. 39 (amended)  |

**NOTES/REQUIREMENTS:**

- Requirements for all signs per Municipal Code Chapter 20.42, except as provided in this sign matrix.
- Sign area is the area measured by two perpendicular sets of parallel lines that surround the proposed logo and sign copy. All signs shall substantially conform to the approved attached sign matrix.
- Display cases and related incidental signs are not regulated as to size, content, or color.
- Pursuant to Section 20.42.120.F of the Zoning Code, the Community Development Director may approve minor revisions to this approval if the intent of the original approval is not affected.

## **Attachment No. ZA 2**

Vicinity Map



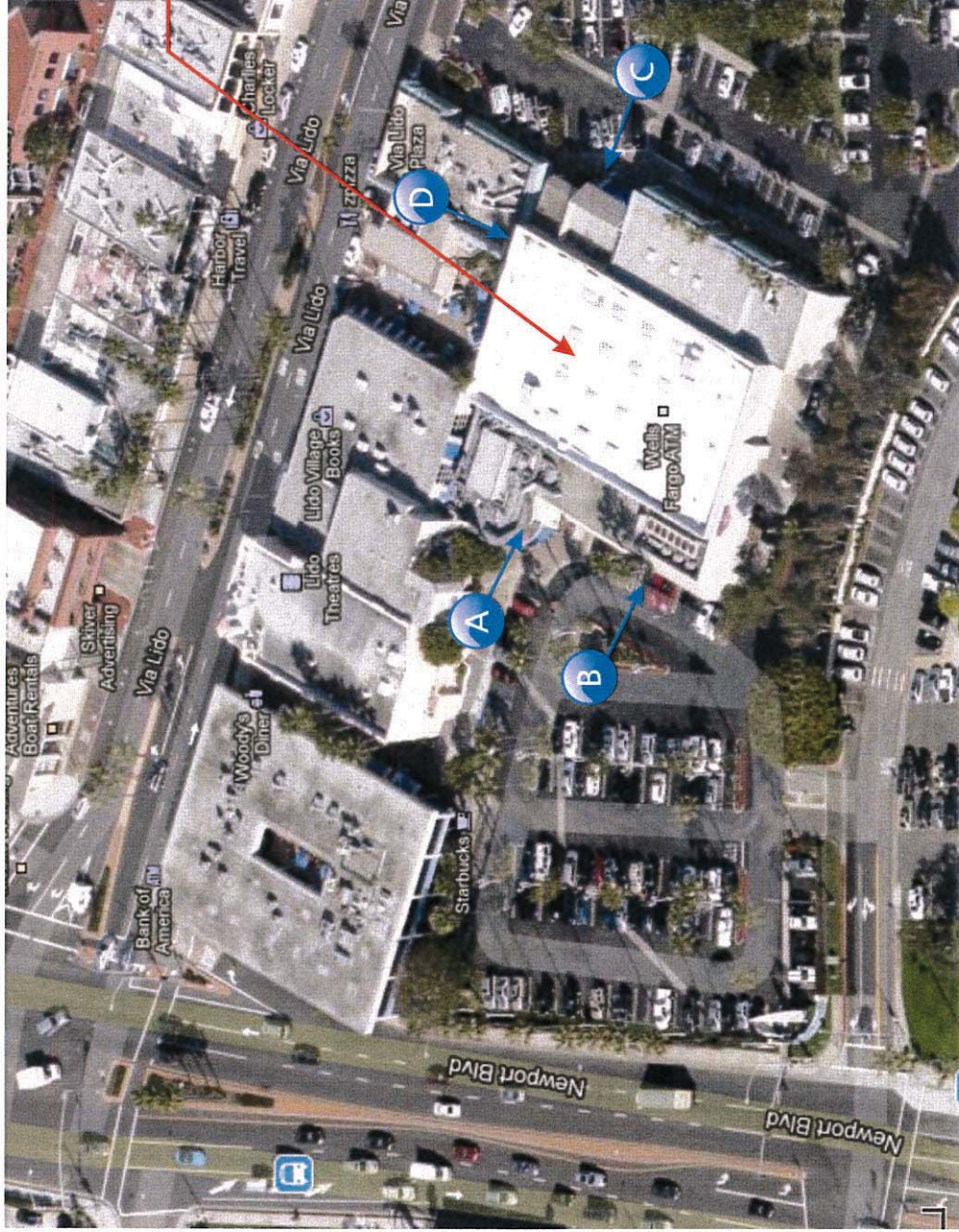
# 3425 Via Lido

# **Attachment No. ZA 3**

Project Plans







 West Marine



Contact: 1900 Ocean Avenue Ronkonkoma, NY 11779 P631.737.3140 F631.737.4865

Sign Type: CHANNEL LETTERS

Description: ELEVATION

Quantity: \*\*\*

2

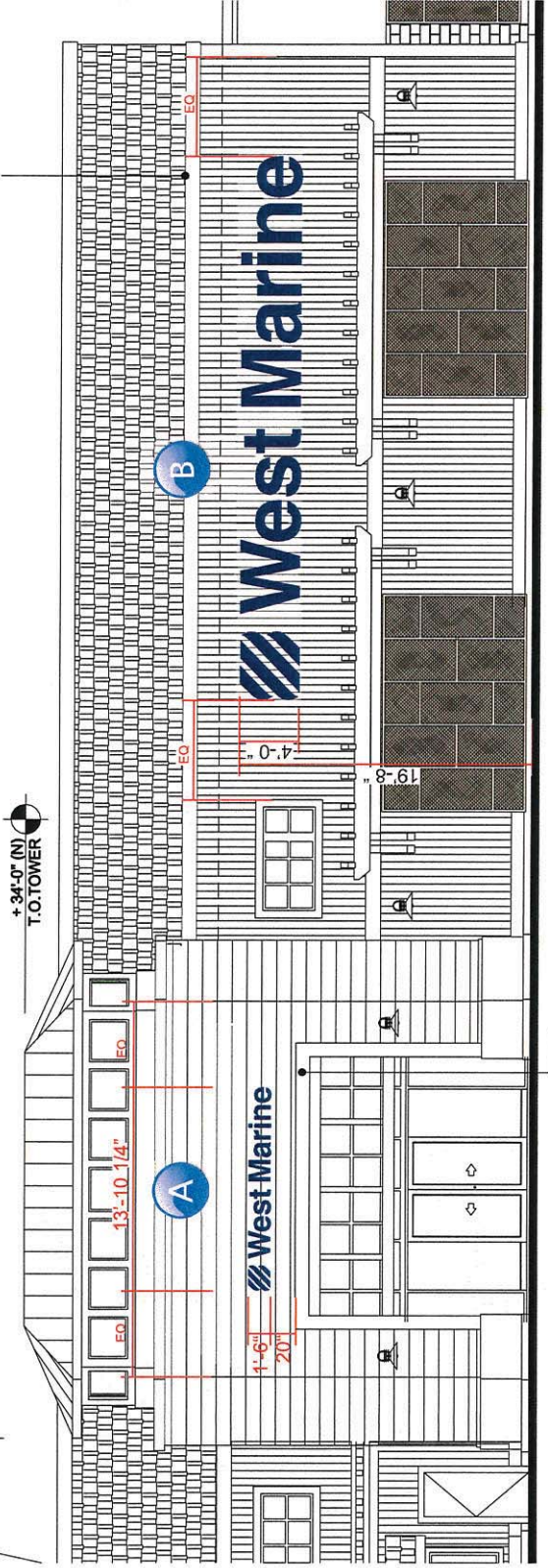
## 2 WEST ELEVATION

1/16" = 1'-0"



## 3 PARTIAL WEST ELEVATION

1/8" = 1'-0"



**broadwaynational**  
SIGNS | LIGHTING | ELECTRICAL

Job Name: WEST MARINE  
Address: 3425 Via Lido  
Newport Beach, CA 92663

Date: 12.18.12  
Job Number: 12390  
Project Manager: JR

Scale: See Drawing  
Drawn By: PM  
Revised: 03.07.13 #05.01

☐ Approved  
☐ Approved with Corrections  
☐ Rejected  
☐ Revise and Resubmit  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_







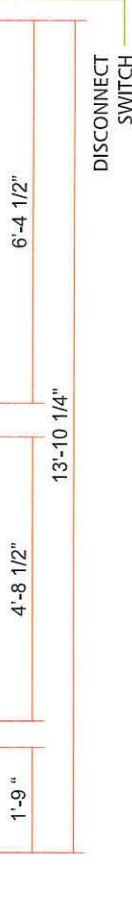
Contact: 1900 Ocean Avenue Ronkonkoma, NY 11779 P 631.737.3140 F 631.737.4865



STOREFRONT SIGN  
Scale: 1/2" = 1'-0"

22.17 Sq. Ft.

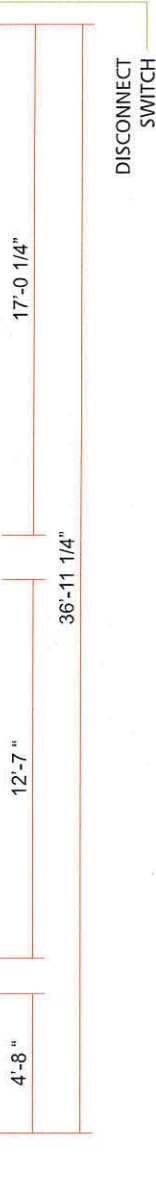
West Marine



STOREFRONT SIGN  
Scale: 1/4" = 1'-0"

147.75 Sq. Ft.

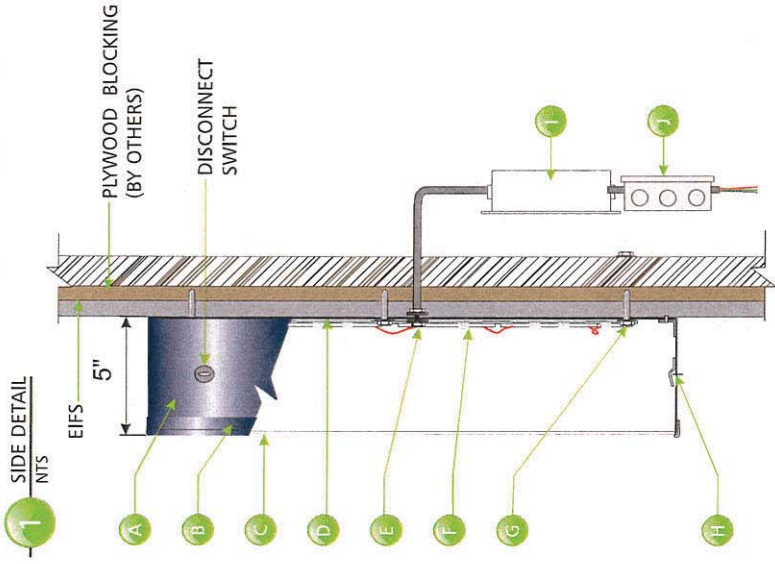
West Marine



Sign Type: CHANNEL LETTERS

Description: LED ILLUMINATED

Quantity: 1 1 5



**NOTES...**  
Primary hook-up by sign installer where allowed by local code. Power is to be within 2' of the sign at time of installation. All electrical parts & assemblies UL listed approved UL labels attached if required.

**NOTES...**  
Electrical Wiring From Sign Will Need to Be Wired Into the Primary Electrical Source (by others) at a Dedicated Circuit With a 100 Amp 120V Breaker. All electrical parts & assemblies UL listed approved UL labels attached if required.

- A .040 Aluminum Returns PTM West Marine Blue PMS 281C
- B 1" Continuous Blue Vinyl Trim Cap Fused To Plexi Face. Flush Mounting Screws At Returns Painted to Match PMS 281C
- C 1/8" #2447 White Acrylic Face With Perforated Day/Night Vinyl (DN 0081-412) To Match PMS 281C
- D 1/4" Dia. Lag Bolts (Min 6 per letter) into a plywood blocking (by others)
- E 1/4" Diameter Drain Hole With Light Baffle (Min. 2 Per Letter)
- F LED Power Supply
- G 120 V. Primary Power Junction Box With Disconnect Switch Provided by Others
- H JT LED Lighting or Equivalent
- I 1/8" #2447 White Acrylic Face With Perforated Day/Night Vinyl (DN 0081-412) To Match PMS 281C
- J .063 Aluminum Backs With White Inside.
- K Appropriate Rate Electrical Tubing and Connectors

**Color Key**

PMS 281 C  
WEST MARINE  
BLUE

WHITE ACRYLIC  
# 2447



Job Name: WEST MARINE  
Address: 3425 Via Lido  
Newport Beach, CA 92663

Date: 12.18.12  
Job Number: 12390  
Project Manager: JR

Scale: See Drawing  
Drawn By: PM  
Revised: 03.07.13 # 05.01

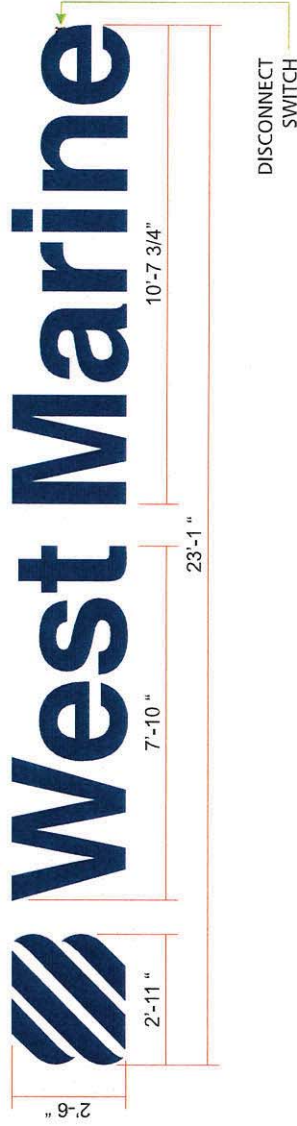
☐ Approved  
☐ Approved with Corrections  
☐ Rejected  
☐ Revise and Resubmit  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_





57.71 Sq. Ft.

Scale: 3/8"=1'-0"

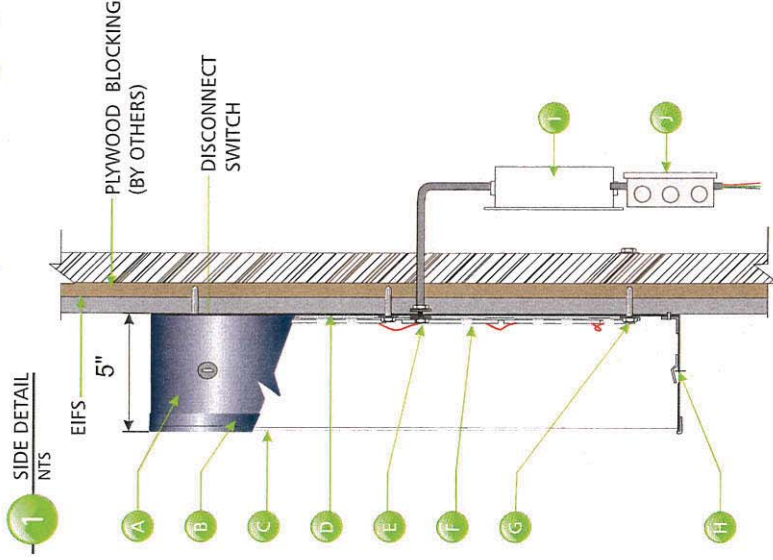


**NOTES...**  
Primary hook-up by sign installer where allowed by local code. Power is to be connected to the sign at time of installation. All electrical parts & assemblies UL listed approved UL labels attached if required.

**NOTES...**  
Electrical Wiring From Sign Will Need to Be Wired Into the Primary Electrical Source (by Owner) and Must Be Protected From Short Circuit. Three Isolated Conductors - Consisting of a Hot, Neutral and Ground All Going Back to the Main Panel

- A .040 Aluminum Returns PTM West Marine Blue PMS 281C
- B 1" Continuous Blue Vinyl Trim Cap Fused To Plexi Face. Flush Mounting Screws At Returns Painted to Match PMS 281C
- C 1/8" #2447 White Acrylic Face With Perforated Day/Night Vinyl (DN 0081-412) To Match PMS 281C
- D .063 Aluminum Backs With White Inside.
- E Appropriate Rate Electrical Tubing and Connectors

- F JT LED Lighting or Equivalent
- G 1/4" Dia. Lag Bolts (Min 6 per letter) into a plywood blocking (by others)
- H 1/4" Diameter Drain Hole With Light Baffle (Min. 2 Per Letter)
- I LED Power Supply
- J 120 V. Primary Power Junction Box With Disconnect Switch Provided by Others



Job Name: WEST MARINE  
Address: 3425 Via Lido  
Newport Beach, CA 92663

Date: 12.18.12  
Job Number: 12390  
Project Manager: JR

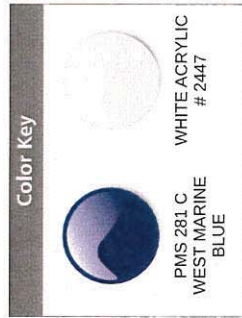
Scale: See Drawing  
Drawn By: PM  
Revised: 03.07.13 # 05.01

☐ Approved  
☐ Approved with Corrections  
☐ Rejected  
☐ Revise and Resubmit  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_



West Marine

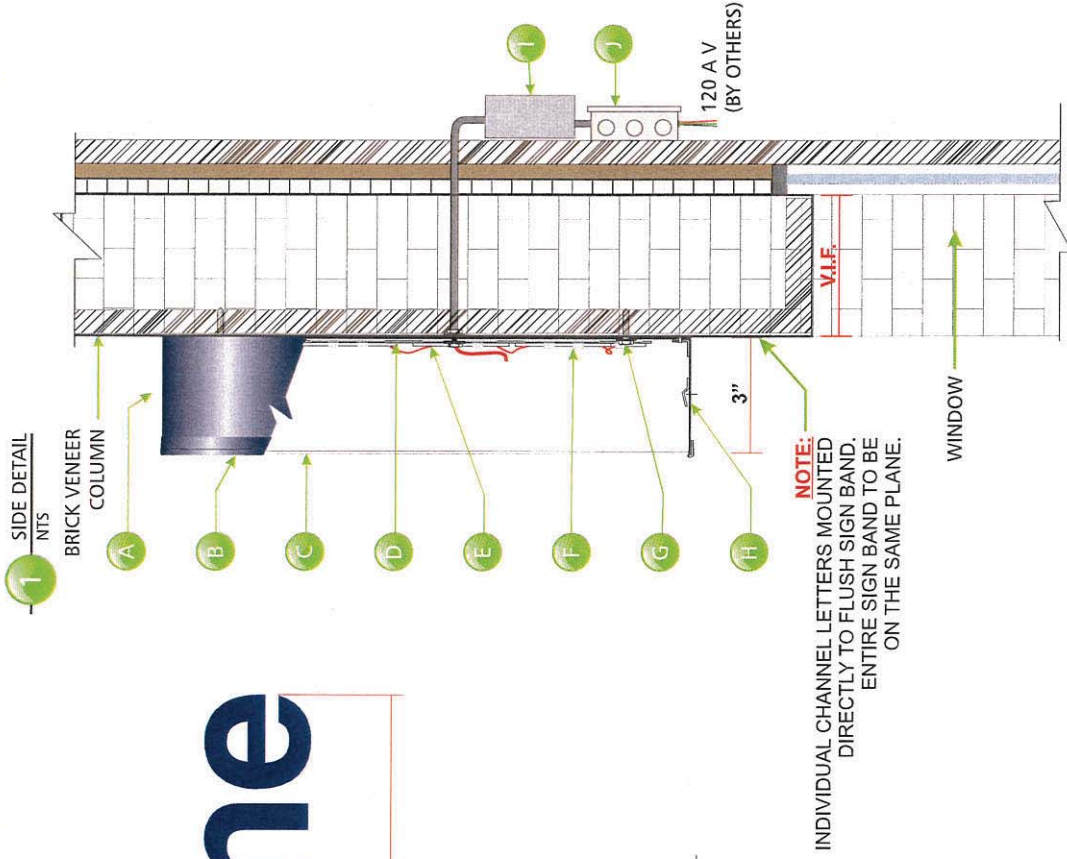
6'-11"



**NOTES...**  
Primary hook-up by sign installer where indicated. All electrical parts & assemblies UL listed approved UL labels attached if required.

**NOTES...**  
Electrical Wiring from sign will need to be wired into the sign and connected to a dedicated circuit (by others) must be a dedicated circuit with three isolated conductors - consisting of a Hot, Neutral and Ground All going back to the Main Panel

- A .040 Aluminum Returns PTM West Marine Blue PMS 281C
- B 1" Continuous Blue Vinyl Trim Cap Fused To Plexi Face. Flush Mounting Screws At Returns Painted to Match PMS 281C
- C 1/8" #2447 White Acrylic Face With Perforated Day/Night Vinyl (DN 0081-412) To Match PMS 281C
- D .063 Aluminum Backs With White Inside.
- E Appropriate Rate Electrical Tubing and Connectors
- F JT LED Lighting or Equivalent
- G 1/4" Dia. Lag Bolts (Min 6 per letter) into a plywood blocking (by others)
- H 1/4" Diameter Drain Hole With Light Baffle (Min. 2 Per Letter)
- I LED Power Supply
- J 120 V. Primary Power Junction Box With Disconnect Switch Provided by Others



**NOTE:**  
INDIVIDUAL CHANNEL LETTERS MOUNTED DIRECTLY TO FLUSH SIGN BAND. ENTIRE SIGN BAND TO BE ON THE SAME PLANE.



Job Name: WEST MARINE  
Address: 3425 Via Lido  
Newport Beach, CA 92663

Date: 12.18.12  
Job Number: 12390  
Project Manager: JR

Scale: See Drawing  
Drawn By: PM  
Revised: 03.07.13 #05.01

☐ Approved  
☐ Approved with Corrections  
☐ Rejected  
☐ Revise and Resubmit  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_





# **Attachment No. ZA 4**

Modification Permit No. MD4327





# CITY OF NEWPORT BEACH

P.O. BOX 1768, NEWPORT BEACH, CA 92658-8915

PLANNING DEPARTMENT 644-3200

August 2, 1995

Application Modification No 4327

Applicant Triple A Noon Company

Address of Property Involved 3433 Via Lido

Legal Description Parcel 1, Parcel Map No 85

Modification Requested Request to permit the establishment of a sign program for the Vons Pavilion market

The Modifications Committee on August 1, 1995, unanimously approved the application subject to the following condition

1. That development shall be in substantial conformance with the approved plot plan and elevations

The Modifications Committee determined in this case that the proposal would not be detrimental to persons, property or improvements in the neighborhood and that the modification as approved would be consistent with the legislative intent of Title 20 of the Newport Beach Municipal Code, and made the following findings

- 1 That the proposed signage will not be detrimental to the surrounding area or increase any detrimental effect of the existing use
- 2 That this project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act under Class 11 (Accessory Structures)
- 3 That the size and number of the proposed signs is appropriate for the subject building

NOTE This approval shall expire unless exercised within 24 months from the date of approval as specified in Section 20 81 099 of the Newport Beach Municipal Code

The decision of the Committee may be appealed to the Planning Commission within 14 days of the date of the decision Any appeal filed shall be accompanied by a filing fee of \$876 00 No building permits may be issued until the appeal period has expired

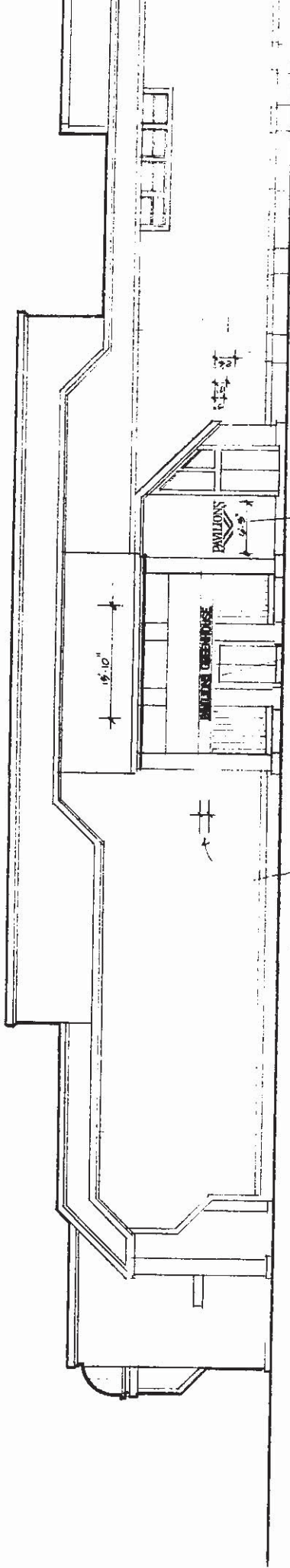
3300 Newport Boulevard, Newport Beach

August 2, 1995  
Page 2

MODIFICATIONS COMMITTEE

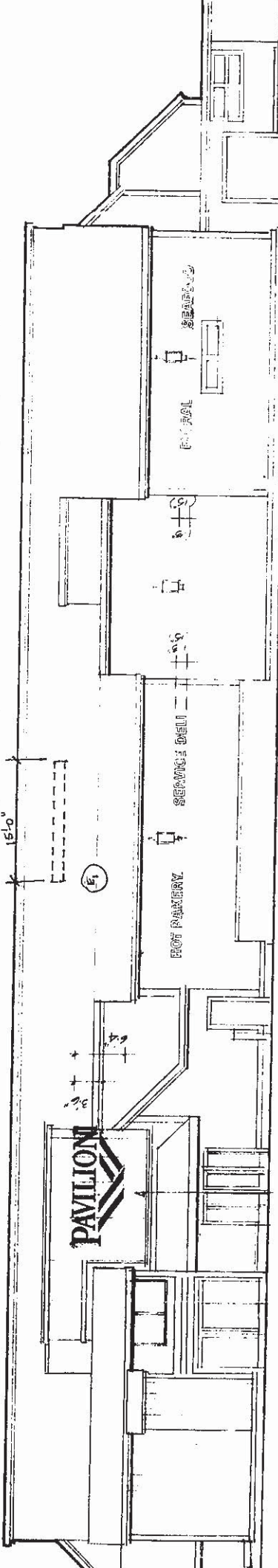
By Dana L. Aslami  
Dana Aslami  
Associate Planner

DA:dk



**NORTH ELEVATION**  
SCALE 1/8" = 1'-0"

NOTE: HEIGHT OF CUT VINYL WALLPAPER TO BE DETERMINED BY WORKING ON A COPY OF SPACE AROUND WALL.



**WEST ELEVATION**  
SCALE 1/8" = 1'-0"

NOTE: SEE SHEET 2 FOR FULL ELEVATION OF SIGN.

① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩ ⑪ ⑫ ⑬ ⑭ ⑮ ⑯ ⑰ ⑱ ⑲ ⑳ ㉑ ㉒ ㉓ ㉔ ㉕ ㉖ ㉗ ㉘ ㉙ ㉚ ㉛ ㉜ ㉝ ㉞ ㉟ ㊱ ㊲ ㊳ ㊴ ㊵ ㊶ ㊷ ㊸ ㊹ ㊺ ㊻ ㊼ ㊽ ㊾ ㊿

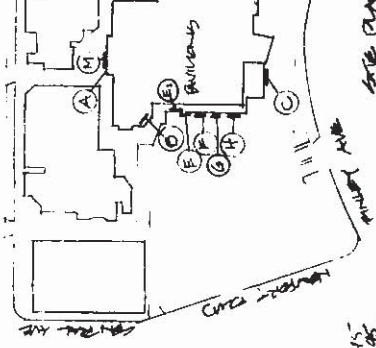
SIGNAGE

① ON EXTERIOR WALLS, VERTICAL SIGNAGE

② ON EXTERIOR WALLS, VERTICAL SIGNAGE

ALL SIGNAGE, INTERIOR AND EXTERIOR, TO BE MATCHED TO MATCH EXISTING STRIPES TO THE PAINTING TO MATCH EXISTING STRIPES. LEFT TWO STRIPES TO BE PAINTED TO MATCH EXISTING STRIPES. LEFT TWO STRIPES TO BE PAINTED TO MATCH EXISTING STRIPES. LEFT TWO STRIPES TO BE PAINTED TO MATCH EXISTING STRIPES.

NOTE: ALL SIGNAGE TO BE PAINTED UNILATERAL ONLY



**EAST ELEVATION**  
SCALE 1/8" = 1'-0"

NOTE: SEE SHEET 2 FOR FULL ELEVATION OF SIGN.

① ② ③ ④ ⑤ ⑥ ⑦ ⑧ ⑨ ⑩ ⑪ ⑫ ⑬ ⑭ ⑮ ⑯ ⑰ ⑱ ⑲ ⑳ ㉑ ㉒ ㉓ ㉔ ㉕ ㉖ ㉗ ㉘ ㉙ ㉚ ㉛ ㉜ ㉝ ㉞ ㉟ ㊱ ㊲ ㊳ ㊴ ㊵ ㊶ ㊷ ㊸ ㊹ ㊺ ㊻ ㊼ ㊽ ㊾ ㊿

NOTE: ALL SIGNAGE TO BE PAINTED UNILATERAL ONLY

NOTE: ALL SIGNAGE TO BE PAINTED UNILATERAL ONLY

NOTE: ALL SIGNAGE TO BE PAINTED UNILATERAL ONLY



### **Item C.3. 1200 W. Ocean Front Lot Line Adjustment (PA2013-062)**

Comments on Draft Resolution (Attachment No. ZA 1):

1. Section 3.A.:
  - a. Isn't the loss of parking for the existing residence going to have an impact on the neighborhood?
2. Section 3.C.:
  - a. The resolution does not make clear what lot area and dimensions are required to be conforming, and hence whether the new lots will be more or less conforming than they are now. The lot line adjustment exhibits in Attachment No. ZA 3, similarly fail to identify the width of the proposed Parcel 2.
  - b. Is it correct to guess they were originally equal at 36.44 feet wide, and that with 3.0 feet taken away, Parcel 2 will be 33.44 feet wide?
  - c. What is the minimum conforming lot area?
3. Exhibit "A" : Conditions of Approval
  - a. Should there be a condition requiring markers to be placed memorializing the new lot line?
  - b. Why is the existing carport being required to be demolished, but not the existing garage? Is the garage, with zero setback from the alley, conforming?
  - c. Will additional parking need to be provided on Parcel 1 to make up for the loss of the carport?
4. Lot Line Adjustment Exhibits (Attachment No. ZA 3):
  - a. I assume that most of the heavy black line ("Proposed Parcel 1 Line") was intended to be drawn as a dashed line signifying "Existing Lot Line to Remain."
  - b. Wouldn't "Proposed Parcel 1 Line" be better described as "Proposed Parcel 1 - Parcel 2 Boundary Line"?
5. General comments:
  - a. Presumably this application would not have been made unless the applicants had plans to develop Parcel 2. Is it possible they are planning to demolish and rebuild Parcel 1 at the same time? If so, would it not be better to leave the line where it is, retaining lots with equal sizes?
  - b. Since the City of Newport Beach currently lacks the authority to make findings of consistency with the Coastal Act, to comply with the California Supreme Court opinion in *Pacific Palisades Bowl Mobile Estates, LLC v\_ City of Los Angeles*, [55 Cal.4th 783](#) (2012), it would seem the applicants need to apply for a Coastal Development Permit and receive either a permit, or waiver, before the lot line adjustment becomes final.

### **Item C.4. West Marine Comprehensive Sign Program (PA2013-056)**

Comments on Draft Resolution (Attachment No. ZA 1):

1. Section 1.4.: "The subject property is located within the ~~coastal-zone~~ Coastal Zone."
2. Section 3.1:
  - a. A-1: "The structure which the signs are proposed to be located on is the anchor retail building ..."
  - b. B-3: A statement is offered justifying "the two signs proposed on the **west** elevation." Does an additional justification need to be offered for the sign on the **east** elevation?



- c. C-2. Says *"The sign program includes an exemption for incidental signage associated with the display cases."*
  - i. I am unable to find any explanation of why these are unregulated.
  - ii. Would they be exempt if there were no sign program?
- d. E-2: *"The deviations in location and size allow for better sign placement on the two architectural tower elements and the large building ~~wall~~ walls facing the west parking lot and Newport Boulevard."*
- 3. Section 3.2:
  - a. A-1: *"The structure which the signs are proposed to be located on is the anchor retail building ..."*
  - b. C-3: *"... the location of the entrance into the building from the parking lot ~~of~~ on the west side ..."*
  - c. D-1: *"... would be legible for pedestrians and ~~motorist~~ motorists travelling along adjacent streets."*
- 4. Exhibit "A" : Conditions of Approval
  - a. Condition 1: the staff report says the program provides flexibility for future tenants, but Condition 1 would seem to limit the approval to the specific design offered.
  - b. Condition 9: *"... if it is determined that ..."*
- 5. Exhibit "B" : Sign Matrix Program
  - a. It is unclear why the Location A and Location B signs are given a cumulative area rather than individual areas.
  - b. *"Monument Sign (intersection of Finely Finley Avenue and Newport Boulevard)"*

### ~~Item C.5. Freestanding Commercial Monument Signs (PA2013-040)~~

~~Comments on Draft Resolution (Attachment No. ZA 1):~~

- 1. Section 1.1.: *"...inclusive, of miscellaneous maps, in the office of the County Recorder of said county. ~~Together , together~~ with that portion of Parcel 2 of Lot Line Adjustment No. LA2012-004, Recorded recorded September 11, 2012 ..."*
- 2. Section 1.4.: *"The subject property is located within the ~~coastal-zone~~ Coastal Zone."*
- 3. Section 3:
  - a. Finding B: I do not believe any of the facts offered support this finding. I see nothing about the physical characteristics of the site requiring a taller than normal sign.
  - b. Finding C: I do not believe any of the facts offered support this finding, either. In particular, I see no unusual *"practical difficulties associated with the property"* that should not have been anticipated in the PC text.
  - c. Finding D: I do not believe any of the facts offered support the finding, nor that they in any way compel the conclusion that alternatives are not available.

Comments on Project Plans (Attachment No. ZA 3)

- 1. Plans G6 and G7 beautifully illustrate the *lack* of any need for this Modification Permit. Most of the vertical sign space is blank and the copy shown could easily have been accommodated within the previously approved 5 foot height.
- 2. The proposed copy in Plan G5 could easily have been rearranged within the 5 foot height limit.